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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,512	12/11/2003	Carsten Ziegs	H&U119	9222
41022	7590	01/12/2006	EXAMINER	
MARLANA TITUS			FLORES SANCHEZ, OMAR	
6005 RIGGS ROAD			ART UNIT	
LAYTONSVILLE, MD 20882			PAPER NUMBER	

3724

DATE MAILED: 01/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/733,512

Applicant(s)

ZIEGS ET AL.

Examiner

Omar Flores-Sánchez

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This action is in response to applicant's amendment received on 07/07/05.

Drawings

2. The drawing was received on 7/7/05. This drawing is acceptable.
3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the *smaller tank half shell* must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 12-16, 19, 20 and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Green et al. (3,844,360).

Green et al. discloses (Fig. 1-12) the invention including:

- a. Claim 12; a handle portion 20, a foot portion (24, 20a and 28) positioned on a bottom side of the handle, a detachable one-piece upper handle shell 26.
- b. Claim 13; a reinforcement profile 28.
- c. Claim 14; an inner handle wall injection-molded 25 in one piece and running around an opening (see Fig. 1) in the handle.
- d. Claim 15; a functional element 15.
- e. Claim 16; an eyelet (see Fig. 3, where the member 26b is located).
- f. Claim 19; a first fastening means 26b and a second fastening means 26a.
- g. Claim 20; a snap 26b and snap hooks 28.
- h. Claim 23; a switching mechanism 33, a recess for a gas lever (see Fig. 1) and a recess (see Fig. 3, where the member 26b is located) for a locking key (col.4, line 1).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Green et al. (3,844,360) in view of Lowe et al. (5,738,064).

Green et al. discloses (Fig. 1-12) the invention substantially as claimed including a larger tank half shell 2a, a smaller tank half shell 2b and wherein the inner handle wall and the larger tank half shell are formed by being injection-molded in one piece (see Fig. 4 and col. 3, lines 55-57). Green et al. does not show the smaller that welded to the larger tank half shell, instead Green et al. teaches the use of bolts 3. However, Lowe et al. teaches the use of a welding process to attach right and left chassis for the purpose of reducing manufacturing cost. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the bolts of Green et al. by providing the welding process as taught by Lowe et al. in order to obtain a reduction of manufacturing cost.

8. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Green et al. (3,844,360) in view of Wu (5,551,157).

Green et al. discloses (Fig. 1-12) the invention substantially as claimed except for a dovetail guide and a wrap-around arrangement. However, Wu teaches the use of a dovetail guide 113 and a wrap-around arrangement 42 for the purpose of obtaining a better connection

between the handle portions. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the hook of Green et al. by providing the dovetail guide and the wrap-around arrangement as taught by Wu in order to obtain a device with a better connection between the handle portions.

9. Claims 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Green et al. (3,844,360) in view of Nagashima (4,654,970).

Regarding claim 22, Green et al. discloses (Fig. 1-12) the invention substantially as claimed including noses 26a. Green et al. does not show screw domes, screws and a borehole. However, regarding claim 21 and 22, Nagashima teaches the use of screw domes (see Fig. 1), screws 11 and a borehole (see col. 2, lines 60-61) for the purpose of easily and efficiently repairing and replacing the handle. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the hook of Green et al. by providing screw domes, screws and the borehole as taught by Nagashima in order to obtain a device that easily and efficiently repair and replace the handle portion.

Response to Arguments

10. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection. Applicant argues that the smaller tank shell does not need to be illustrated in the drawings because is indicated on page 4, lines 2-4 of the specification (see paragraph 5 of the Remarks). However, 37 CFR 1.83(a) requires that every feature of the

invention specified in the claims need to be illustrated in the drawings. The description of the feature in the specification does not meet the requirements of 37 CFR 1.83(a).

Applicant argues that the Examiner has misinterpreted the invention (see paragraph 9 of the Remarks). However, the new features in the claims were the reason to overcome the previous prior arts, rather than the misinterpretation of the invention.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Khachatoorian et al., Nagashima et al., Kemmler and Cool are cited to show related device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Omar Flores-Sánchez whose telephone number is 571-272-4507. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on 571-272-4514. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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